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In re the application of:

Manja Ahola et al.

Serial Number: 10/828,351

Group Art Unit: 1615

Filed: April 21, 2004

Examiner: Tran, Susan

For: DISSOLVABLE OXIDES FOR BIOLOGICAL APPLICATIONS

**TRANSMITTAL OF TERMINAL DISCLAIMER**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

February 24, 2006

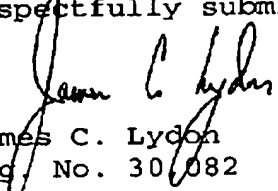
Sir:

Submitted herewith is a Terminal Disclaimer, which disclaims the terminal part, if any, of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,764,690.

A Credit Card Payment Form to cover the fee required under 37 C.F.R. §1.321(b) is also enclosed.

It is not believed any additional fee is required for entry and consideration of this Transmittal. Nevertheless, the Commissioner is authorized to charge our Deposit Account No. 50-1258 in the amount of any such required fee.

Respectfully submitted,

  
James C. Lydon  
Reg. No. 30,082Atty. Case No.: TUR-140-A  
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Enclosures:

Terminal Disclaimer  
Credit Card Payment Form

PTO/SB/26 (09-04)

Approved for use through 07/31/2008. OMB 0551-0031

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# **TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)  
TUR-140-A

In re Application of: Manja Ahola et al.

Application No.: 10/828,351

Filed: April 21, 2004

For: DISSOLVABLE OXIDES FOR BIOLOGICAL APPLICATIONS

The owner\*, DelSiTech Oy, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,764,690 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

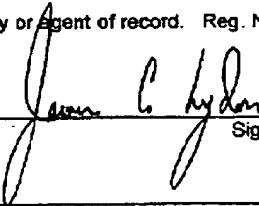
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- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 30,082

  
Signature

February 24, 2006  
Date

James C. Lydon  
Typed or printed name

703-838-0445  
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
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